

PERMIT NO: WAG – 992000

Coverage Date:
Issuance Date: April 10, 2002
Effective Date: May 10, 2002
Expiration Date: May 10, 2007
Modified June 8, 2004

AQUATIC MOSQUITO CONTROL
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE GENERAL PERMIT

State of Washington
Department of Ecology
Olympia, Washington 98504-7600

In compliance with the provisions of
Chapter 90.48 Revised Code of Washington as amended
and
The Federal Water Pollution Control Act as amended
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, permittees that have properly obtained coverage by this permit are authorized to discharge to waters of the state in accordance with the special and general conditions that follow.



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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S2.A	Annual Monitoring Plan	Yearly	February 1, 2003
S3.D	Noncompliance Notification	As necessary	
S5.	IPM Plan	Once	February 1, 2003
S3.A	Annual Monitoring Report	Yearly	February 1, 2003
G15.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G18.	Application for Permit Renewal	1/permit cycle	November 10, 2006
G8.	Notice of Permit Transfer	As necessary	

PERMIT COVERAGE

C1. ACTIVITIES COVERED

This general permit shall cover all mosquito control activities that discharge insecticides directly into surface waters of the state of Washington. Mosquito districts and other pesticide applicators are required to be covered by the general permit for the following pre-adult life stage pesticing activities:

- 1) Into water bodies that are contiguous with rivers, creeks, and lakes, or
- 2) Into navigable waters, or
- 3) In other situations as determined by Ecology.

C2. GEOGRAPHIC AREA COVERED

This general permit covers aquatic mosquito control activities anywhere in the entire state of Washington. The specific areas where mosquito control activities are covered are described and limited by each application for coverage.

C3. HOW COVERAGE CAN BE OBTAINED

1. For existing mosquito control districts and applicators with current programs requesting coverage:

Notify Ecology by submitting a completed application for coverage no later than 90 days after the issuance date of this general permit. Unless Ecology responds in writing to the notification, coverage of a discharger under this permit will commence on the effective date of the permit.

2. For new mosquito control districts and applicators that propose to begin activities that will result in a discharge or potential discharge to waters of the state on or after the effective date of this general permit:
 - a. Notify Ecology by submission of a completed application form requesting coverage under this permit at least 60 days prior to the planned activity that will result in the discharge to waters of the state.
 - b. Publish twice in a local newspaper of general circulation a notice that an application for coverage has been made pursuant to Section 173-226-130(5) WAC. This notice shall specify the last day of the 30-day public comment period.
 - c. At the end of the 30-day comment period, Ecology will accept the application and review all comments prior to making a determination on whether to grant permit coverage.
 - d. Ecology intends to notify new applicants by mail of their status concerning coverage under this permit. If the applicant does not receive notification of the coverage decision from

Ecology, coverage under this permit will commence on the 31st day following Ecology's acceptance of complete application form.

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Discharges

1. All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.
2. Insecticide applications under this permit shall be for the control of pre-adult mosquitoes only.
3. Beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge the listed aquatic insecticides and associated adjuvants that are listed in this permit into surface waters of the state, subject to complying with the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), and in consideration of integrated pest management options.
4. Authorized pesticides are:
 - *Bacillus thuringiensis israelensis* (Bti)
 - *Bacillus sphaericus* (H-5a5b)
 - Methoprene Granular, Liquid, Pellet, or Briquette.*
 - Monomolecular Surface Films
 - Paraffinic white mineral oil. Paraffinic white mineral oil shall not be used in waters of the state unless:
 - a) The mosquito problem is declared a public health risk; or
 - b) The other control agents would be or are known to be ineffective at a specific treatment site; and
 - c) The water body is non-fish-bearing (consult Washington State Fish and Wildlife concerning fish and wildlife).

* Use of methoprene is not restricted for use beyond the FIFRA label in more than 99 percent of the state. However, methoprene is restricted in areas designated by Washington State Department of Fish and Wildlife (see Appendix A) *except* when a health threat exists in those areas as determined by state and local health departments.

5. Temephos may not be used in lakes, streams, or the littoral zone of water bodies or on state-listed specie sites listed in Appendix A, (Ecology publication No. 03-10-023). The use of temephos shall be allowed only in highly polluted water (*i.e.*, tire piles) or waters with high organic content (*i.e.*, manure holding ponds and pastures with no surface water runoff), or under either of the two following conditions:
 - a. As a result of consultation between the Departments of Agriculture and Ecology in response to the development of pesticide resistance or ineffectiveness within a population of mosquitoes, when temephos is applied to

areas draining to surface waters monitoring of persistence and residues are a condition of the approval. Temephos must be rotated with one or more of the approved alternatives with a different mode of action to minimize the development of resistance.

- b. As a result of consultation between the Department of Health and Department of Ecology in response to the development of a human health emergency as determined by the Washington State Department of Health.
- 6. Other pesticides may be applied in the context of a research and development effort under the jurisdiction of the Washington State Department of Agriculture through the issuance of a Washington State Experimental Use Permit.
- 7. A state or local health officer, with agreement of Ecology, may order temporary suspension of permit conditions to protect public health in the event of a mosquito-borne disease outbreak.

B. Temporary Water Quality Modification

The application of insecticides listed in this permit to control mosquitoes is allowed so long as the conditions of this permit are satisfied and the transitory water quality impact is limited to the minimum time necessary to accomplish the desired aquatic pest control objectives.

This temporary water quality modification is allowed throughout the permit term, but its effect shall be temporary in a specific location, though locations where it is in effect may be widespread throughout the state anywhere mosquitoes are subject to control and eradication.

S2. MONITORING REQUIREMENTS

- A. The permittee shall develop and implement a monitoring plan for the application of pesticides listed in S1.A4. The objective of the monitoring plan is to determine pesticide persistence in a variety of application sites and conditions. Data from EPA-approved persistence studies may be included in the monitoring report but must be identified in the monitoring plan.
- B. The permittee shall select from one of the following two options to fulfill this monitoring requirement:
 - 1. The permittee shall submit a plan for monitoring a representative sampling of pesticide application sites by February 1, 2003 and annually thereafter so long as this option is chosen. The monitoring plan shall be implemented beginning in the year 2003 mosquito control season.
 - 2. The permittee may participate in a group monitoring plan for monitoring a representative sampling of pesticide application sites in lieu of an individual monitoring plan. The group plan shall be submitted by February 1, 2003 and annually thereafter so long as this option is chosen. The monitoring plan shall be implemented beginning in the year 2003 mosquito control season. Submitting a complete report for each application satisfies this requirement. A complete report contains:
 - a) The name and address of the person applying the larvicides,
 - b) The center point of latitude and longitude to at least three decimal places where each larvicide application is made,

- c) The type of each larvicide and its EPA registration number,
 - d) The amount of larvicide in gallons or pounds that was applied, and
 - e) The number of acres treated. Treated areas less than one acre can be designated as <1.
- C. The permittee may request suspension of persistence monitoring after the 2003 mosquito control season. Elimination of the persistence-monitoring requirement may be granted by Ecology, in writing, if the permittee has demonstrated the range of persistence time of the insecticides that it commonly uses in the situations within the mosquito control area. Additional monitoring may be performed to meet other needs.

Adverse weather conditions, lack of daylight, and other relevant factors related to safety considerations may alter the timing of monitoring but not preclude the requirement that a minimum level of monitoring be performed. The burden of proof for establishing safety-related alterations to the monitoring schedule shall rest with the permittee(s).

D. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 Code of Federal Regulations (CFR) Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Ecology). Methods for parameters that have no corresponding sampling or analytical methods described in the above mentioned protocols may be included in the annual monitoring plans.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to Ecology shall constitute a violation of the terms and conditions of this permit.

A. Annual Reporting

Monitoring results shall be submitted annually. Monitoring results obtained during the previous calendar year shall be reported and be received no later than February 1 of the year following the completed monitoring period. The report shall be sent to the Aquatic Pesticides Team, Water Quality Program, Department of Ecology, PO Box 47600, Olympia, Washington 98504-7600.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name,

chemical abstract service (CAS) number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Monitoring reports must be submitted annually whether or not monitoring was required. If there was no discharge during a given monitoring period, submit the report with an explanation of why no monitoring was performed.

B. Records Retention

The permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the director.

C. Recording of Results

For each measurement or sample taken, the permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Noncompliance Notification

In the event the permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. Immediately notify Ecology of the failure to comply.

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. BEST MANAGEMENT PRACTICES/INTEGRATED PEST MANAGEMENT

- A. An Integrated Pest Management Plan (IPMP) approved by Ecology shall be implemented by the permittee. The IPMP may include a decision tree outlining control options based on site and infestation conditions.
 - 1. In the IPMP, pesticides that are effective in controlling the mosquito population and have the least adverse impacts to nontarget species shall be used except in response to documented development of resistance, or in cases of ineffectiveness or in a declared public health emergency.
 - 2. The IPMP shall consider the approved list of pesticide-based controls found in Section S1.
 - 3. In developing the IPM plan, the permittee shall consult with local governments, state, and federal agencies as needed.
- B. Pesticide applications shall not commence unless surveillance of a potential application site indicates a larva/pupa count of greater than 1 per 3 dips, unless dead birds, infected horses, or adult mosquito surveys indicate the presence of vector mosquitoes when larvae counts cannot be made due to their inaccessibility. In these cases larviciding may be desirable or even necessary without the larvae dips.
- C. Pesticide application practices shall be followed that minimize the potential for development of pesticide resistance.
- D. Spills of pesticides shall be promptly reported to the appropriate local and state authorities.

S5. COMPLIANCE SCHEDULE

The permittee shall submit a copy of its Integrated Pest Management Plan (IPMP) no later than February 1, 2003. The IPMP shall be implemented in all aquatic pest control activities engaged in by the permittee. The permittee shall adjust the IPMP in accordance with guidance from Ecology and resubmit the plan according to the direction of Ecology no later than January 1, 2004 or six months after written notification of a need for adjustment from Ecology, whichever occurs latest. **The IPMP may be revised by the permittee if based on valid reasons that promote the principles of IPM.**

PUBLIC NOTIFICATION PROCEDURES

P1. PUBLIC NOTICE

- A. The applicator shall publish a notice in a local newspaper of general circulation (or nearest regional paper if a local paper does not exist) for expected applications **of insecticides that have a water -use restriction.**
- B. This legal notice shall be published at least ten (10) days prior to the first pesticide application of the season. This notice shall include:
 - 1. The pesticide(s) to be used and its active ingredient(s)
 - 2. The approximate date **range** of treatment
 - 3. The approximate location(s) to be treated
 - 4. The water use restrictions or precautions

5. The posting procedure
 6. The names and phone numbers of the applicator and the appropriate Ecology regional office
- C. Notification to the public regarding mosquito control activities shall continue throughout the treatment season. Notification may include methods other than notices in a newspaper.

P2. POSTING REQUIREMENTS

Notification shall be posted at all reasonable points of ingress and egress to the treatment areas when insecticides with water use restrictions are applied to water bodies that are used for water supply, fish and shellfish harvesting, or water contact activities.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

The permittee shall at all times be responsible for continuous compliance with the terms and conditions of this general permit. The permittee shall be responsible for compliance with any order, directive, or penalty issued by Ecology.

G2. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain any facilities or systems of control to achieve compliance with the terms and conditions of the general permit. Where design criteria have been established, the permittee shall not allow flows or waste loadings to exceed approved design criteria or approved revisions thereto.

G3. RIGHT OF ENTRY

The permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law, at reasonable times:

- A. To enter upon the permittee's premises in which an effluent source (discharge) is located or in which any records are required to be kept under the terms and conditions of this general permit;
- B. To have access to and to copy at reasonable costs, any records required to be kept under terms and conditions of the permit;
- C. To inspect any monitoring equipment or method of monitoring required in this general permit.

G4. NOTIFICATION OF CHANGE IN COVERED ACTIVITIES

The permittee shall submit a new Application for Coverage to Ecology when facility expansions, production increases, or process modifications will (1) result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants, or (2) violate the terms and conditions of this general permit.

G5. REVOCATION OF COVERAGE

Pursuant to Chapter 43.21B RCW and Chapter 173-226 WAC, the director may require any discharger authorized by this general permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to the following:

- A. Violation of any term or condition of this general permit.
- B. Obtaining coverage under this general permit by misrepresentation or failure to disclose fully all relevant facts.
- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- D. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- E. A determination that the permitted activity endangers human health or the environment, or significantly contributes to water quality standards violations.
- F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC.
- G. Failure of the permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable.

Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within 90 days from the time of revocation and is submitted along with a complete individual permit application form.

G6. GENERAL PERMIT MODIFICATION OR REVOCATION

General permits may be modified, or revoked and reissued, in accordance with the provisions of Chapter 43.21B RCW and Chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are not limited to, the following:

- A. When a change that occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this general permit.
- B. When effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or Chapter 90.48 RCW for the category of dischargers covered under this general permit.
- C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this general permit is approved.
- D. When information is obtained, which indicates that cumulative effects on the environment from dischargers covered under this general permit are unacceptable.

G7. REPORTING A CAUSE FOR REVOCATION OF COVERAGE

A permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for revocation under condition G7 or 40 CFR 122.62 shall report such information to Ecology so that a decision can be made on whether action to revoke coverage under this general permit will be required. Ecology may then require submission of a new Application for Coverage under this or another general permit or an application for an individual permit. Submission of a new application does not relieve the permittee of the duty to comply with all the terms and conditions of the existing general permit until the new application for coverage has been approved.

G8. TRANSFER OF PERMIT COVERAGE

Coverage under this general permit is automatically transferred to a new discharger if:

- A. A written signed agreement between the old and new discharger containing a specific date for transfer of permit responsibility and coverage is submitted to Ecology; and
- B. Ecology does not notify the old and new discharger of its intent to revoke coverage under the general permit. If this notice is not given, the transfer is effective on the date specified in the written agreement between the old and new discharger.

G9. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in this general permit, Ecology shall institute proceedings to modify or revoke and reissue this general permit to conform to the new toxic effluent standard or prohibition.

G10. OTHER REQUIREMENTS OF TITLE 40 CODE OF FEDERAL REGULATIONS

All other applicable requirements of 40 CFR 122.41 and 122.42 are incorporated in this general permit by reference.

G11. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G12. ADDITIONAL MONITORING REQUIREMENTS

Ecology may establish specific monitoring requirements in addition to those contained in this general permit by administrative order or permit modification.

G13. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludge, filter backwash, or other pollutants removed in the course of treatment or pollution control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters. Such removed substances shall be lawfully disposed in an appropriate manner and shall comply with Chapter 173-303 WAC and Chapter 173-304 WAC.

G14. USE OF ACCREDITED LABORATORIES

All monitoring data, except for flow, temperature, settleable solids, total residual chlorine, conductivity, pH, and internal process control parameters, shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for the analysis of these media by Ecology.

G15. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to Ecology shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, the proprietor of a sole proprietorship, responsible official, or ranking elected official.
- B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to Ecology.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of a regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2. above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiries of the person or

persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

G16. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT

Any discharger authorized by this general permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger shall submit to the director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. The director shall either issue an individual permit or deny the request with a statement explaining the reason for the denial.

G17. APPEALS

The terms and conditions of this general permit:

- A. As they apply to the appropriate class of dischargers are subject to appeal within thirty (30) days of issuance of this general permit in accordance with Chapter 43.21(B) RCW and Chapter 173-226 WAC; and
- B. As they apply to an individual discharger are subject to appeal in accordance with Chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger.

Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability to that discharger. Appeal of this general permit coverage of an individual discharger shall not affect any other individual dischargers. If the terms and conditions of this general permit are found to be inapplicable to any discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

G18. DUTY TO REAPPLY

The permittee shall reapply for coverage under this general permit at least one hundred and eighty (180) days prior to the specified expiration date of this general permit. An expired general permit continues in force and effect until a new general permit is issued or until Ecology cancels it. Only those facilities that reapply for coverage are covered under the continued permit.

G19. TERMINATION OF INDIVIDUAL PERMITS

Any previously issued individual permit shall remain in effect until terminated in writing by Ecology, except that extension of an expired individual permit (pursuant to WAC 173-220-180(5)) shall terminate upon coverage under this general permit.

G20. TERMINATION OF COVERAGE UPON ISSUANCE OF AN INDIVIDUAL PERMIT

When an individual permit is issued to a discharger otherwise subject to this general permit, the coverage under this general permit for that permittee is terminated on the effective date of the individual permit.

G21. ENFORCEMENT

Any violation of the terms and conditions of this general permit, the state Water Pollution Control Act, and the federal Clean Water Act, will be subject to the enforcement sanctions, direct and indirect, as provided for in WAC 173-226-250.

G22. SEVERABILITY

The provisions of this general permit are severable, and if any provision of this general permit, or application of any provision of this general permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this general permit shall not be affected thereby.

G23. PAYMENT OF FEES

The permittee shall submit payment of fees associated with this permit as assessed by Ecology.